# House File 2612 - Introduced

HOUSE FILE 2612 BY UPMEYER

## A BILL FOR

- 1 An Act authorizing the state board of regents to approve
- 2 public-private partnership agreements proposed by the
- 3 institutions of higher education the state board governs,
- 4 providing for the establishment of public-private
- 5 partnership oversight boards, and including retroactive
- 6 applicability provisions.
- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- Section 1. NEW SECTION. 262.29 Public-private partnerships
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- The state board of regents may approve, at its 4 discretion, a proposal to enter into a public-private 5 partnership agreement submitted by an institution of higher 6 education under its control. However, at least thirty days 7 before taking action relating to a proposal to approve a 8 public-private partnership, the state board must submit notice 9 of the proposal and of the state board's intent to take action 10 on the proposal to the general assembly and the legislative 11 services agency. Agreements approved in accordance with this 12 subsection may continue for the period of time specified in 13 the agreement. However, on or after July 1, 2030, no new 14 public-private partnership agreement shall be approved by the 15 state board of regents or entered into by an institution under 16 its control. For purposes of this section, "public-private 17 partnership" means an agreement between the institution and a 18 private entity to transfer ownership or control of a property 19 that includes compensation and typically involves a long-term 20 contract to renovate, construct, operate, maintain, or manage
- 2. For each public-private partnership agreement approved 24 in accordance with subsection 1, the state board of regents 25 shall establish a public-private partnership oversight board 26 to make decisions on the use of the funds generated from the 27 agreement. At least one member of a public-private oversight 28 board shall be a member of the state board of regents.

21 a facility or system, in whole or in part, that involves

22 remuneration linked to performance.

3. The oversight board shall submit to the general assembly quarterly reports that include information on any proposed and approved projects funded using moneys generated by an approved public-private partnership available to the institution and the oversight board; how such funds were preserved, invested, and expended during the previous quarter; the issues and goals the institution and the oversight board are addressing with such

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- 1 funds; the quantifiable performance measure and indicators the
- 2 oversight board is using to identify progress toward achieving
- 3 the oversight board's investment goals; and the immediate
- 4 effect and long-term impact of each oversight board proposal
- 5 for or use of such funds has or is intended to have on student
- 6 populations and the number of students who are or will be
- 7 impacted by any such proposal for or use of such funds.
- 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
- 9 retroactively to December 1, 2019.
- 10 EXPLANATION
- 11 The inclusion of this explanation does not constitute agreement with 12 the explanation's substance by the members of the general assembly.
- 13 This bill authorizes the state board of regents to approve,
- 14 at its discretion, a proposal to enter into a public-private
- 15 partnership agreement submitted by a university under its
- 16 control. Once approved, such agreements may continue for
- 17 the period of time specified in the agreement. The state
- 18 board must, at least 30 days prior to taking action on such
- 19 a proposal, provide notice of the proposal and of its intent
- 20 to take action on the proposal to the general assembly and the
- 21 legislative services agency. However, no new agreement shall
- 22 be approved or entered into on or after July 1, 2030.
- 23 The bill defines public-private partnership to mean an
- 24 agreement between the institution and a private entity to
- 25 transfer ownership or control of a property that includes
- 26 compensation and typically involves a long-term contract to
- 27 renovate, construct, operate, maintain, or manage a facility or
- 28 system, in whole or in part, that involves remuneration linked
- 29 to performance.
- 30 Each time the state board approves a public-private
- 31 partnership agreement, it must establish an oversight board
- 32 to make decisions on the use of the funds generated from the
- 33 agreement. A member of the state board must serve on each such
- 34 oversight board.
- 35 The oversight board shall submit a quarterly report to the

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- 1 general assembly relating to the proposed and approved use
- 2 of the moneys generated by the public-private partnership,
- 3 including how the moneys were preserved, invested, and expended
- 4 during the previous quarter, and the impact of the board's
- 5 decisions on the university's students.
- 6 The provision authorizing the state board of regents
- 7 to approve public-private partnership agreements applies
- 8 retroactively to December 1, 2019.